

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-19 are pending, with Claims 1-11 and 14-17 amended by the present amendment.

In the Official Action, Claims 1-6, 8, 10-11, 14-15 and 17-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Grooters (U.S. Patent 6,389,487); and Claims 7, 9, 12, 13 and 16 were rejected under 35 U.S.C. §1(a) as being unpatentable over Grooters in view of Golden et al. (U.S. Patent 6,272,127, hereinafter Golden).

Claims 1-11 and 14-17 are amended to clarify Applicants' invention is directed to video conferencing. Support for this amendment is found in Applicants' originally filed specification. No new matter is added.

Briefly recapitulating, Claim 1 is directed to a video conference network platform for managing a plurality of video conference network devices for facilitating video conference calls. The video conference network platform includes a video conference network interface module operable to interface with the plurality of video conference network devices and to represent at least one of the plurality of video conference network devices as an interface object. The video conference network platform also includes one or more management applications operable to manage a video conference network device represented as an application object; and an adapter engine associated with the video conference network interface module, the adapter engine operable to create an application object for the at least one of the plurality of video conference network devices. The application object corresponds to the interface object for the at least one of the plurality of video conference network devices.

Grooters describes a method and apparatus for allowing several applications to share a single video overlay resource via multiplexing. The multiplexing is accomplished from the application end through a multiplexing abstraction layer provided to developers of end applications as an application program interface. Through the application program interface, each application may, at any time request, release or modify the attributes of the video overlay device, such as picture quality, tuning source, etc. The application program interface provides all basic functionality of the hardware accessible through other means including normal operating system support and device driver services.¹

In particular, Grooters describes an integrated television and personal computer convergence device. Grooters describes a personal computer and television convergence device is the preferred application. As shown in Figure 2, the convergence device 200, also referred to as a PC-TV, comprises a personal computer 210 as a central control device. Video information is displayed on a display device 212 which is preferably a high resolution (VGA or greater) computer type cathode ray tube (CRT) monitor. The personal computer 210 receives one or more input signals from one or more input sources such as input sources 216, 218 and 220. Likewise, the personal computer provides one or more output signals to one or more output devices such as output devices 222, 224 and 226.²

Grooters further describes a video multiplexer comprising two parts: the video server (video multiplexer) and the video client (client application). As a stand alone application the video server is implemented as an out of process component object model (COM) server. The video client, which is used by any application wishing to display video, is implemented as an in process component object model (COM) server or dynamic link library (DLL). A component object model (COM) is a specification for building software components that can be assembled into programs or add functionality to existing programs running on an

¹ Grooters, Abstract.

² Grooters, column x, lines xx.

operating system capable of displaying windows. Component object model components can be written in a variety of programming languages, typically C++, and can be unplugged from a program at run time without having to recompile the program. Component object model is a foundation of the object linking and embedding (OLE) specification. Object linking and embedding refers to the transferring and sharing of information, or objects, among multiple applications.³

However, as acknowledged in the Official Action of June 15, 2004,⁴ Applicants' claimed adapter. MPEP §706.02(j) notes that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Also, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Without addressing the first two prongs of the test of obviousness, Applicants submit that the Official Action does not present a *prima facie* case of obviousness because Grooters fails to disclose **all** the features of Applicants' claimed invention. Because Grooters fails to disclose the adapter of independent Claim 1, Grooters also fails to disclose creating an application object for the video conference network device as recited in independent Claim 11.

Because Grooters fails to disclose **all** the features of Applicants' claimed invention, Applicants submit the Official Action intends to suggest that Applicants' claimed adapter is inherent. However, Applicants submit that the assertion of inherency is insufficient to show

³ Grooters, column x, lines xx.

⁴ Official Action, page 4, lines 4-12.

that Grooters inherently teaches the claimed adapter because the rejection fails to show “that the alleged inherent characteristic necessarily flows from the teachings of the applied prior art”⁵ The Official Action provides no rationale for any finding of inherency. “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities.’”⁶ Because the Official Action provides no explanation of why Applicants’ claimed adapter, which is not explicitly disclosed in Grooters, is inherent, Applicants again submit the rejection is improper.⁷

Furthermore, Grooters fails to disclose or suggest devices or methods for controlling video conference devices as recited in Applicants’ amended claims. Indeed, Grooters is only directed to the sharing of a video display by multiple video sources and makes no reference to videoconferencing. Thus, for another reason, the rejection under 35 U.S.C. 103(a) in view of Grooters is moot.

Golden has not been applied to as a basis of rejection of Applicants’ independent claims. However, to advance prosecution, Applicants note that Golden describes a method and device for broadband multimedia communication over a standard circuit switched, public switched telephone network infrastructure (PSTN), and other physical or virtual circuit switched infrastructures, while simultaneously interoperating with the public Internet packet switch infrastructure so as to merge the capabilities of the two types of infrastructures into a

⁵See MPEP 2112 (emphasis in original) (citation omitted). See also same section stating that “[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic,” (emphasis in original). See also In re Robertson, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999) (“[t]o establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill,’” citing Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991); and “[i]nherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient,” Id. at 1269 (citation omitted)).

⁶ In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

⁷ MPEP § 2112, IV “Examiner must provide rationale or evidence tending to show inherency.”

seamless capability.⁸ As one embodiment, Golden describes a broadband network topology and interactions that result in an on-demand circuit-switch connection of variable bandwidth between two broadband network users engaged in a videoconference.⁹ However, like Grooters, Golden fails to disclose or suggest the device or method recited in Applicants' independent claims.

As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claims 1 and 11, Applicants submit the inventions defined by Claims 1 and 11, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.¹⁰

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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⁸ Golden, Abstract.

⁹ Golden, Figure 49, column 54, line 26 – column 55, line 26.

¹⁰ MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest **all** the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."